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MAILED

AUG 17 2010

In re Application of	:	OFFICE OF PETITIONS
Goodfried, et al.	:	
Application No. 10/817,051	:	ON REQUEST FOR
Filed: April 2, 2004	:	RECONSIDERATION OF
Attorney Docket Number: DEP5111NP	:	PATENT TERM ADJUSTMENT

This is a decision on the petition under 37 CFR 1.705(b), filed May 18, 2010. Applicants believe that they should be accorded an additional PTA of 549 days. Applicants request this correction solely on the basis that the Office will take in excess of three years to issue this patent.

The application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED**. Applicants did not pay the required \$200 PTA fee. As such, the Office will not look into the matter on the merits.

Applicants are reminded that knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

The application is being forwarded to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Petitions Attorney Cliff Congo at (571) 272-3207.

Anthony Knight
Director
Office of Petitions